

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PAMELA HOSKINS-HARRIS,

Plaintiff,

v.

TYCO/MALLINCKRODT HEALTHCARE)

and LOCAL 1887 UNITED AUTO)

WORKERS,)

Defendants.)

Case No. 4:06-CV-0321-JCH

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Pamela Hoskins-Harris for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a)(1). Upon review of plaintiff's financial affidavit, the Court will deny her leave to proceed in forma pauperis.

Financial Affidavit

In her financial affidavit, plaintiff states that (1) she is employed by the Ferguson-Florissant School District and earns a monthly income of \$2,056.27; (2) she currently has no cash on hand or money in a savings or checking account; (3) she has property consisting of a 2000 Ford Explorer valued at \$4,500.00 and a home valued at \$90,000; (4) she has one dependent; (5) she has debts consisting of a mortgage (\$1,013.00 per month/\$99,000.00 total debt), a motor vehicle note (\$606.00 per month/\$11,800.00 total debt) and a student loan (\$110.00 per month/\$29,200 total debt).

Discussion

Title 28 U.S.C. § 1915(a)(1) provides, in pertinent part, that "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without payment of fees or security

therefor, by a person who makes affidavit . . . that the person is unable to pay such fees or give security therefor." This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948). The decision to grant or deny in forma pauperis status is within the discretion of the district court. *Cross v. General Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Two Hundred and Fifty Dollars (\$250). *See* 28 U.S.C. § 1914(a).

Therefore,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. 1] be **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from the date of this order to pay the \$250 filing fee.¹

IT IS FURTHER ORDERED that, if plaintiff fails to pay the filing fee within thirty (30) days, the Court will dismiss this action, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

Dated this 8th day of March, 2006.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE

¹The Court notes that, if plaintiff pays the filing fee, she will be responsible for serving the summons and the complaint upon the defendants, *see* Fed. R. Civ. P. 4(c), or requesting that the defendants waive service of summons, *see* Fed. R. Civ. P. 4(d). Plaintiff is advised that she may seek guidance on serving the defendants from the Office of the Clerk.

